No. 85-1228

Supreme Court, U.S.
FILED
JAN 21 1986
JOSEPH F. SPANIOL, JR.
CLERK

In The

Supreme Court of the United States

October Term, 1986

BILL BENTON

Petitioner,

v.

STATE OF ALABAMA

Respondent.

APPENDIX TO PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF ALABAMA

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I. IN THE CIRCUIT COURT OF THE
28TH JUDICIAL CIRCUIT OF ALABAMA

BALDWIN COUNTY

STATE OF ALABAMA,
Plaintiff,

vs.

BILL BENTON,
Defendant.

CASE NUMBER: CC-84-101

JURY & VERDICT

10/4/84; This day in open Court came the State of Alabama by its District Attorney, and the defendant also in his own proper person, and with his attorney, and the trial of this case having been regularly set for this day, thereupon, in open Court on this day in the presence of the District Attorney, defendant's attorney, and the defendant, came a jury of good and lawful men and women, to-wit: James D. Stallworth, and eleven others, who, having been duly impanelled and sworn according to law, who, having heard the evidence, and the charge of the Court, upon their oaths, in

open court on this day, in the presence of the District Attorney, defendant's attorney, and the defendant, do say: "WE, THE JURY, FIND THE DEFENDANT GUILTY AS CHARGED IN THE INDICTMENT."

It is therefore considered and adjudged by the Court that the Defendant is guilty of the offense of Sale of Controlled Substances, and the Defendant being asked by the Court if he had anything to say why the judgment and sentence of the law should not be passed upon him, requested pre-sentence investigation. Pre-sentence investigation ordered.

SENTENCING

11/29/84; Came the State of Alabama by its District Attorney, came the Defendant also in his own proper person and with his attorney, and defendant having been found guilty of the offense of Sale of Controlled

Substances and having been adjudged guilty of the offense of Sale of Controlled Substances, and being asked by the Court if he had anything to say why the judgment and sentence of the law should not be passed upon him, replied, by his attorney "Judge, I would just like to point out to the Court that the recommendation of the probation officer was for probation, and a number of people that have lived in the same ccmmunity as Mr. Benton have come forward, including Mr. Condie Langham, Mack Yon, an attorney in Mobile, and the list goes on. Judge, he has no prior, including no traffic tickets. He's only twenty-eight years old, and the man has two children. He's a prior law enforcement officer, and he's going to have a lot of trouble in jail, Your Honor."

It is therefore considered and adjudged by the Court that the defendant is guilty of the offense of Sale of Controlled

Substances, and upon recommendation of the District Attorney, the defendant be and he is hereby sentence to Ten (10) years in the State Penitentiary. Appeal bond set at $25,000.00.

II. IN THE ALABAMA COURT OF CRIMINAL APPEALS

BILL BENTON,
Appellant,
vs.
THE STATE,
Appellee,
1 DIV 999

Dear Sir:

You are hereby notified that on August 20, 1985 the following indicated action was taken in the above-styled cause by the Court of Criminal Appeals of Alabama: Appeal affirmed. No opinion. Judgment not final, see Rule 41, ARAP.

MOLLIE JORDAN, CLERK

III. IN THE ALABAMA COURT OF CRIMINAL APPEALS

BILL BENTON,
Appellant,
vs.
THE STATE,
Appellee,
1 DIV 999

Dear Sir:

You are hereby notified that on October 8, 1985 the following indicated action was taken in the above styled cause by the Court of Criminal Appeals of Alabama:

Application for Rehearing overruled. No opinion. Judgment not final, see Rule 41 ARAP.

MOLLIE JORDAN, CLERK

IV. THE STATE OF ALABAMA - JUDICIAL DEPARTMENT

IN THE SUPREME COURT OF ALABAMA
November 22, 1985

85-84

EX PARTE: BILL BENTON

PETITION FOR WRIT OF CERTIORARI
(Re: Bill Benton v. State)
CRIMINAL APPEALS 1/999

CERTIFICATE OF JUDGMENT

WRIT DENIED

The above cause having been duly submitted, IT IS CONSIDERED AND ORDERED that the petition for writ of certiorari be denied.

Costs taxed to petitioner.

JONES, J. - MADDOX DIVISION CONCURS.

CERTIFICATE OF SERVICE

I, E. E. BALL, the attorney for the petitioner, hereby certify that the number of copies of this petition required by Rule 28 of the Supreme Court Rules have been served on the opposing party in this proceeding by mailing three copies of the appendix to the Attorney General of the State of Alabama, by certified mail, return receipt requested, first-class postage prepaid, addressed to The Honorable

Charles A. Graddick, Attorney General of the State of Alabama.

DONE this 17th day of January, 1986, by depositing the same in the United States post office, with first-class postage prepaid, and properly addressed to the Clerk and parties indicated hereinabove on this date.

CERTIFICATE OF FILING

I, E. E. Ball, the attorney for the petitioner, hereby certify that the number of copies of this appendix required by Rule 19 of the Supreme Court Rules to be filed, to-wit, an original and forty (40) copies, with the Clerk of the United States Supreme Court, were placed by me in the United States Mail, certified, return receipt requested, first-class postage prepaid, addressed to The Honorable

Alexander Stevas, Clerk of the United States Supreme Court, pursuant to the provisions of Rule 19 of the Supreme Court Rules, on the date indicated below.

E. E. BALL

Sworn to and subscribed before
me on this 17th day of January, 1986.

NOTARY PUBLIC, BALDWIN COUNTY, AL
MY COMMISSION EXPIRES: 10-4-89